



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 12, 2024

By ECF

The Honorable Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Florence Immigrant and Refugee Rights Project, et al. v. United States Department of Health and Human Services, et al.*, No. 24 Civ. 6740 (SDA)

Dear Judge Aaron:

This Office represents Defendants United States Department of Health and Human Services (“HHS”), United States Customs and Border Protection (“CBP”), United States Immigration and Customs Enforcement (“ICE”), and United States Department of Homeland Security (“DHS,” and together with HHS, CBP, and ICE, the “Government”) in the above-referenced Freedom of Information Act (“FOIA”) action. We write jointly with Plaintiffs Florence Immigrant and Refugee Rights Project, the Center for Constitutional Rights, and L.B. (together, “Plaintiffs”) in response to the Court’s order to provide status updates every 30 days. *See* Dkt. No. 24.

This matter concerns FOIA requests Plaintiffs submitted to HHS, CBP, ICE, and DHS. These requests seek records concerning the use of dental and bone radiographs for the determination of ages of people in the custody of DHS, CBP, ICE, or HHS’s Office of Refugee Resettlement (“ORR”). The parties have met and conferred regarding the processing of these FOIA requests and provide the following status updates broken down by agency:

- **HHS:** HHS is in receipt of Plaintiffs’ FOIA request. The primary FOIA contact for this matter at HHS has been on leave, but the Government is expecting to liaise with Plaintiffs regarding HHS’ processing of their request shortly and will provide a substantive update in the next joint status report.
- **CBP:** CBP has requested that Plaintiffs narrow their FOIA request in certain respects, and the parties are conferring regarding possible narrowing.
- **ICE:** ICE has requested that Plaintiffs narrow their FOIA request in certain respects, and the parties are conferring regarding possible narrowing. In the meantime, ICE has begun limited searches for records responsive to Plaintiffs’ request.
- **DHS:** DHS responded to Plaintiffs’ FOIA request on July 10, 2024, and transferred the request to CBP for processing under the FOIA and direct response to Plaintiffs.

DHS has since agreed to conduct its own search for responsive records, and the parties are conferring regarding the contours of that search.

The parties thank the Court for its consideration of this joint status report and will file their next joint status report by December 12, 2024.

Respectfully,

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